

AFFIDAVIT OF UPS OVERNIGHT

STATE OF NEW YORK)
)ss.:
COUNTY OF NEW YORK)

NINOSKA DEOLEO being duly sworn, deposes and says I am not a party of this action, I am over 18 years of age and my business address is c/o Nesenoff & Miltenberg, LLP, 363 Seventh Avenue, Fifth Floor, New York, New York 10001.

On the 24th day of April, 2008, deponent served a true copy of the annexed **PLAINTIFF GREAT WHITE BEAR LLC'S MEMORANDUM OF LAW IN OPPOSITION TO DEFENDANT MERVYN'S LLC'S MOTION TO STRIKE ITEMS 3-8 IN EXPERT REPORT OF STEPHEN J. RANKEL, C.P.A. AND FOR FEES AND COSTS UPS Overnight Mail, Tracking No.: 1Z 869 6XX 22 1014 0795**, in a pre-paid wrapper addressed to:

**TO: Lisa T. Simpson, Esq.
Orrick, Herrington & Sutcliffe, LLP
666 Fifth Avenue
New York, New York 10103**


Ninoska Deoleo

Sworn to before me this
24th day of April, 2008



NOTARY PUBLIC

ALAN M. SHECTMAN
Notary Public, State of New York
No. 02SH5049602
Qualified in Putnam County
Commission Expires September 18, 2009

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On the 24th day of April, 2008, deponent served a true copy of the annexed **DECLARATION OF PHILIP A. BYLER, ESQ. IN OPPOSITION TO MOTION TO STRIKE ITEMS 3-8 IN RANKEL REPORT AND AWARD FEES AND COSTS UPS Overnight Mail, Tracking No.: 1Z 869 6XX 22 1014 0795**, in a pre-paid wrapper addressed to:

**TO: Lisa T. Simpson, Esq.
Orrick, Herrington & Sutcliffe, LLP
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